

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LOUIS MERRIWEATHER,
Petitioner,

v.

JAMES ERWIN, WARDEN,
Respondent.

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Case No. C1-02-369

Judge Spiegel

Magistrate Judge Hogan

***RESPONDENT ERWIN'S MOTION FOR EXTENSION OF TIME
TO FILE SENTENCING TRANSCRIPT***

Respondent Erwin respectfully moves this Court for an Order extending the time in which counsel may file a copy of Merriweather's sentencing transcript. No prior extension of time has been granted with respect to this matter.

Respectfully submitted,

JIM PETRO
Attorney General of Ohio

/s/Stuart A. Cole

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MEMORANDUM IN SUPPORT

Petitioner Louis Merriweather, # 348-451, (hereinafter "Merriweather"), has filed a federal habeas corpus petition to which Respondent has responded. On July 26, 2004, this Court issued an Order granting Respondent an opportunity to address the effect that Merriweather's recent state court filings have on this action. This Court additionally ordered that the record be supplemented to include a copy of Merriweather's sentencing transcript.

In an attempt to secure a copy of Merriweather's sentencing transcript, which apparently had not been previously transcribed, Respondent has repeatedly contacted the Court reporter. Unfortunately, to date, Respondent has yet to receive a copy of said transcript. Upon receipt, the transcript will be immediately filed with the Court. Nevertheless, in order to avoid repeated extension motions, Respondent is requesting that he be given until October 1, 2004, in which to file the Merriweather sentencing transcript.

Respectfully submitted,

JIM PETRO (002206)
Attorney General of Ohio

/s/Stuart A. Cole
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Extension of Time to File Sentencing Transcript* was forwarded to Louis Merriweather, #348-451 at Chillicothe Correctional Institution, 15802 St. Rt. 104 North, Chillicothe, Ohio 45601, by U.S. mail, postage pre-paid this 10th day of August, 2004.

/s/Stuart A. Cole
STUART A. COLE
Assistant Attorney General